

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on October 16, 2009, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation ("R&R"), filed on August 25, 2011 (Doc. 41), recommended that the defendant Barger's Motion for Summary Judgment (Doc. 33) be granted.

The parties were allowed fourteen (14) days from the date of service to file objections. Objections were filed by the plaintiff on September 6, 2011. After de novo review of the briefs and record, together with the R&R and objections thereto, we adopt Magistrate Judge Baxter's August 25, 2011 R&R as the Opinion of the Court. We find that no reasonable jury could render a verdict in favor of the plaintiff.

AND NOW, this 22nd day of September, 2011, IT IS HEREBY ORDERED,
ADJUDGED and DECREED that said report and recommendation is adopted as the opinion of
the Court. Defendant Barger's Motion for Summary Judgment (Doc. 33) is hereby GRANTED.

Maurice B. Cohill, Jr.
Maurice B. Cohill, Jr.
United States District Judge

cc: Susan Paradise Baxter, U.S. Magistrate Judge
all parties of record